

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TABITHA LUZ DIAZ,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 6/9/2020

1:20-cv-1068-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

In a separate Order, this case has been referred to one of the Court's Magistrate Judges for a Report and Recommendation, which will then be sent to this Court for review and to address any objections to the Report. Alternatively, the parties may voluntarily consent to have the Magistrate Judge render a final decision in this action in accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Any appeal from a Magistrate Judge's decision following consent is directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

Both parties – the Plaintiff and the Commissioner of Social Security – must consent in order for the Magistrate Judge to decide the case. To determine whether the parties wish to voluntarily consent to proceeding before Judge Freeman, counsel for the Commissioner of Social Security is directed to send to counsel for Plaintiff on or before June 16, 2020 a copy of the attached consent form bearing either (1) a signature indicating consent to proceeding before the Magistrate Judge, or (2) a notation that the defendant does not consent.

On or before June 23, 2020, Plaintiff's counsel is directed to submit a letter via ECF informing the Court whether all parties have consented to proceeding before the Magistrate Judge. If any party has not consented, the letter shall not state which of the parties have not

consented – only that there has not been consent by all parties. If both parties have consented, counsel shall file on ECF the signed consent forms.

This Order is not intended to interfere with the parties' right to have final disposition of this case by a United States District Judge. The parties are free to withhold their consent without adverse substantive consequences. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned.

**SO ORDERED.**

**Date: June 9, 2020**  
**New York, NY**

  
MARY KAY VYSKOCIL  
United States District Judge